

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:23-CV-00238-FDW-SCR**

CRAIG CUNNINGHAM,

Plaintiff,

v.

**AUTOGUARD ADVANTAGE
CORPORATION; DIMENSION SERVICE
CORPORATION; SING FOR SERVICE,
LLC; LEXINGTON NATIONAL
INSURANCE CORPORATION; PELICAN
INVESTMENT HOLDINGS GROUP, LLC;
VAJIRA SAMARARATNE; AND
JOHN/JANE DOES 1-5,**

Defendants.

ORDER

THIS MATTER is before the Court following Plaintiff's failure to respond to this Court's Order directing Plaintiff, who appears pro se, to SHOW CAUSE why this action should not be dismissed as against Pelican Investment Holdings Group, LLC d/b/a AAP, and Vajira Samararatne for failure to serve and failure to prosecute in accordance with the Federal Rules of Civil Procedure. (Doc. No. 37.) In that Order, the Court expressly warned Plaintiff that "Failure to timely and adequately respond and show cause will result in summary dismissal of the Amended Complaint against those two remaining Defendants without prejudice." (*Id.*, p. 21.) Plaintiff failed to respond and Show Cause, and the time for doing so has long expired.


IT IS THEREFORE ORDERED that Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE against Pelican Investment Holdings Group, LLC d/b/a AAP, and Vajira Samararatne for failure to comply with Fed. R. Civ. P. 4(m), which requires service to be made

within 90 days after the complaint is filed, and failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

IT IS FURTHER ORDERED that since this disposes of claims against the only remaining Defendants in this matter, the Clerk is respectfully directed to CLOSE THE CASE.

IT IS SO ORDERED.

Signed: June 24, 2024


Frank D. Whitney
United States District Judge

